THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20004 of 2005

12.9.2005

Between:

M.Rajeswari, W/o.M.Yellappa, Housewife, Rajendranagar,

Guntakal, Ananthapur District.

… Petitioner.

AND

1. The Election Officer & Commissioner of Guntakal Municipality,

and others

… Respondents.

ORDER:

The petitioner herein is resident of Guntakal. She filed her nomination for Ward No.3 on the eve of municipal elections 2005. By endorsement dated 06.9.2005, the Election Officer rejected her nomination on the ground that by reason of having three children, she incurred disqualification under Section 13B of A.P. Municipalities Act, 1994 (the Act, for short). Therefore the present writ petition is filed.

Though the learned Counsel for the petitioner made submissions in support of the writ petition, it is not denied by him that the petitioner's husband filed W.P.No.19956 of 2005 when his nomination for Ward No.4 was rejected on the ground that he incurred disqualification under Section 13B of the Act.

This Court by order dated 12.9.2005 dismissed a batch of writ petitions including W.P.No.19956 of 2005 filed by the husband of the petitioner. Be that as it is in **V.Narayana v. Election Officer, Alwal Municipality** (**Narayana**, for brevity), this Court has held that when a nomination is rejected, a writ petition would not lie. It was held therein that challenge to election means and includes a challenge to any intermediary stage in the election and that when the nomination is rejected or accepted improperly, the same has to be agitated by way of Election Petition. The decision in **Narayana** was followed by Full Benches of this Court in **A.P.Sarpanchas Association v Govt. of A.P.** and **G.Kanaka Durga v State Election Commissioner**. Further in **C.Subrahmanyam v K.Ramanjaneyulu**, the Supreme Court held that even if the election is challenged on the ground of non-compliance of the provisions of the A.P. Panchayat Raj Act, 1994 or Conduct of Election Rules, 1961, the writ petition would not be maintainable and it is only by way of Election Petition that such thing can be challenged. In view of the settled position, this writ petition is not maintainable.

The writ petition is, accordingly, dismissed. No costs.

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(**V.V.S.RAO,J**)

September 12, 2005.

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